

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Confirmation No.: 5508

Henrik Bergfalk, et al.

Date: October 7, 2009

Serial No.: 10/529,948

Group Art Unit: 1631

Filed: June 10, 2005

Examiner: Jerry Lin

For: DETECTION OF PSYCHOLOGICAL DISORDER ACTIVITY PATTERNS

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

Sir:

This is a response to the Notice of Non-Responsive Amendment mailed on September 15, 2009. Applicants appreciate the Examiner speaking with the applicants' attorney on September 29, 2009. Enclosed herewith is a submission in accordance with M.P.E.P. §713.04.

In the Office communication, the Examiner states that the amendment filed on June 2, 2009 is non-responsive under MPEP §821.03 on the grounds that the amended claims are drawn to a non-elected invention. The Examiner states that:

the "newly amended claims contain different method steps as the original claims. The original claims indicated that the neural network was to be trained, whereas in the newly amended claims, the neural network organizes data into clusters. Thus, the original claims and the newly amended claims have different method steps."

As clarified during the September 29, 2009 telephone conversation between the Examiner and applicants' attorney, the original claims were not directed to an Artificial Neural Network that "was to be trained." Instead, the Artificial Neural Network was already trained to perform various steps. In particular, originally filed claim 1 recited "feeding ... parameter data to an Artificial Neural Network trained to recognize in said data a feature specific for a psychological

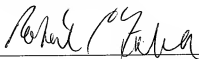
disorder[.]” Thus, the Artificial Neural Network was already trained.

In the amended claims, the already trained Artificial Neural Network performs steps that include “organizing groups or clusters of parameter data,” and “analyzing the received set of parameter data by making determinations and outputting an indication, thereby determining the presence or absence of the psychological condition.”

Accordingly, applicants respectfully submit that the June 2, 2009 Amendment and Response did not include amended claims that define processes that are of a materially different design, mode of operation, function, or effect and were not mutually exclusive from the originally filed claims. The amended claims are drawn to an elected invention, and applicants respectfully request the Examiner to reconsider the Notice of Non-Responsive Amendment, enter the Amendment as filed, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON October 7, 2009.

Respectfully submitted,



Robert C. Faber
Registration No.: 24,322
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

RCF:JJF:ck